

PROPOSED REGULATIONS

§1.408-9. Reports for simplified employee pensions

(a) Information to be furnished upon adoption of plan

(1) An employer who adopts a definite written allocation formula for making contributions to an employee's simplified employee pension shall furnish the employee in writing the following information:

(i) A notice that the simplified employee pension arrangement has been adopted,

(ii) The requirements which an employee must meet in order to receive a contribution under the agreement,

(iii) The basis upon which the employer's contribution will be allocated to employees, and

(iv) Such other information that the Commissioner may require.

(2) The information in subparagraph (1) must be furnished to an employee no later than a reasonable time after the later of the time the employee becomes employed or the time of the adoption of the simplified employee pension arrangement.

(3) The Commissioner may relieve employers from furnishing any or all of the information specified in subparagraph (1).

(b) Information to be furnished for a calendar year

(1) For each calendar year, the employer shall furnish to the employee a written statement indicating the amount of employer contributions made to the employee's individual retirement account or individual retirement annuity under the simplified employee pension arrangement. This requirement is satisfied if the information is on the employee's W-2 for the calendar year for which the contribution is made. Amounts described in §1.408-7(f)(1) which are not considered made under the simplified employee pension arrangement should not be included.

(2) The information required to be furnished by subparagraph (1) shall be furnished to the employee no later than the later of 30 days after the contribution or January 31 following the calendar year for which the contribution was made.

(c) The Internal Revenue Service may require reports to be filed with the Service with respect to employees who cannot be located by the employer (see §1.408-

7(d)(2)). Such reports shall include such information and shall be filed in the time and manner as the Commissioner specifies.

(d) *Effective date.* —The provisions of this section are effective for calendar years beginning after December 31, 1978.